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Memo: for Hon: Mr Clark

Authority Bourinot:

1791

The first really constitutional Act was passed in 1791 after the failure of the Quebec Act of 1774. The principles of the act was thus expressed:

"for assimilating ~~as nearly as possible~~ the constitution of Canada to that of Great Britain, as nearly as the differences arising from the manners of the people, and from the present situation of the province will admit" (p. 17).

1838

Under this constitution racial disputes led to the rebellion of 1837-8 and the constitution was suspended (10th July 38) and temporary provision made for the Government of Lower Canada.

1840

The Union Act of 1840 followed under which the Union of the two Canadas under one legislature was restored and they reconstituted as one province. The English language was also for the first time directed to be used in

the public records.

This act provided generally for absolute self government the principle laid down being "that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated" (p. 30).

1862-64

From 1862 to 1864 political difficulties occurred arising chiefly from the demands of representatives from Upper Canada for additional representation. Parties were so close that the vote of one member might decide the fate of an administration (p. 40) and legislation was, practically, at a dead-lock. Then the necessities of the case brought the leaders of both parties and a coalition ministry was formed on the basis of a Federal Union of all the British American provinces, and of the two Canadas in case of

the failure of the larger scheme.
(p. 41.)

Years before in a report by Lord Durham Federation had been advocated it being urged "that it would enable the provinces to co-operate for all common purposes, and above all it would form a great and powerful people possessing the means of securing good and responsible Government for itself, and which, under the protection of the British Empire might, in some measure, counter-balance the pre-dominant and increasing influence of the United States on the American Continent". Lord Durham proposed to admit to the Union "any or all of the North American Colonies."

Still nothing definite was arrived at, until the political necessities of the provinces forced them to bring matters

to an issue.

The legislatures of the Lower
provinces were about considering
a Maritime Union and the
Canadian Ministry took
advantage of the opportunity
to meet them; and on 10th
October 1864 delegates from
all the British North American
Provinces assembled in conference
in "the ancient city" of Quebec.

After 18 days deliberation
they agreed to 72 resolutions
which form the basis of
the Union (p. 12) - These were
submitted to the Legislature
in January 1875 and both
Houses ultimately agreed to an
address to Her Majesty that
a Bill might be submitted
to the Imperial Parliament
for the purpose of uniting
the provinces in accordance
with the Quebec resolutions.

The Maritime provinces raised
objections to the financial

1866

part of the scheme and the result of the deliberations was another conference held in London in the fall of 1866 - At length Canada, Nova Scotia & New Brunswick being in full accord, through the action of their legislatures, the plan of Union was submitted, on the 12th February 1867, to the Imperial Parliament where it met with warm support from all parties and received the Royal Assent on 29th March -

1867

Only four provinces then joined the Union

Ontario

Quebec

Nova Scotia

New Brunswick.

The 146th section of the act provided for the admission of other provinces on addresses from their legislatures, and

Newfoundland alone stands
aloof-

1870 Manitoba and the North
West Provinces joined in
1870.

1871 British Columbia in 1871

1873. Prince Edwards Island in
1873.

By an act of 31st July 1880 all
British territories and
possessions in North America
are declared to be subject
to the Dominion of Canada,
(except Newfoundland)- This
act was necessary consequent
upon boundary disputes -

The terms of the Federal
Union of these provinces
were simply stated thus
"On principle just to the
several provinces."

For description of Constitution
see p. 49 also Statutes Year
Book.

W. S. West